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SOUTHERN DISTRICT OF CALIFORNIA
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15 UNITED STATES DISTRICT COURT

16 SOUTHERN DISTRICT OF CALIFORNIA

17 UNITED STATES OF AMERICA,

Case No.: 15-CR- 967-WQH

18 INFORMATION

19 v. Title 18, U.S.C., Sec. 371 -
20 Conspiracy To Commit Bribery

21 TODD DALE MALAKI,
22
23 Defendant.

24
25 The United States charges that, at all times relevant to this
26 Information:

1 Defendant TODD DALE MALAKI was an Officer in the United
2 States Navy, serving as a Lieutenant until August 2010, at which
3 time he was promoted to the rank of Lieutenant Commander. From on
4 or about December 2011 until September 2013, MALAKI was an active
5 duty naval officer, assigned variously as a student at the Naval
6 War College; as a Supply Officer at Navy Mobile Construction
7 Battalion; and as a Detachment Director, Fleet Logistics Center,
8 San Diego, Ventura County. From about October 2009 until about
9 December 2011, MALAKI was assigned to Military Sealift Command Far
10 East ("MSC") in Singapore as a Combat Logistics Officer ("CLO").
11 As a CLO, MALAKI was responsible for providing logistics planning
12 and support to the ships and personnel who operated in the area
13 controlled by the U.S. Navy's Seventh Fleet. From about January
14 2007 to about October 2009, MALAKI was the Supply Officer ("SUPPO")
15 aboard the U.S. Navy vessel USS John S. McCain (DDG-56). The USS
16 John McCain was a U.S. Navy warship based out of Yokosuka, Japan.
17 As a SUPPO on the USS John McCain, MALAKI was responsible for the
18 procurement of goods and services required by the ship. From about
19 January 2005 to about January 2007, MALAKI was a SUPPO and
20 Operational Logistics Planner for the U.S. Navy's 7th Fleet,
21 Yokosuka, Japan, aboard the USS Blue Ridge (LCC-19). Aboard the
22 USS Blue Ridge, MALAKI's duties included procuring goods and
23 services as required by the Seventh Fleet staff.
24
25
26

27 2. At all times, as an Officer in the U.S. Navy, MALAKI was
28 a "public official" as defined in 18 U.S.C. § 201(a).

1 3. Glenn Defense Marine Asia ("GDMA") was a multi-national
2 corporation with headquarters in Singapore and operating locations
3 throughout Asia, including in Japan, Thailand, the Philippines, and
4 elsewhere. GDMA's main business was the "husbanding" of marine
5 vessels, which involved the coordination, scheduling, and direct
6 and indirect procurement of items and services required by ships
7 and submarines when they arrived in port.

8 4. Leonard Glenn Francis ("Francis") was the President and
9 Chief Executive Officer of GDMA.

10 5. It was a violation of MALAKI's official duties as an
11 Officer in the U.S. Navy (a) to transmit information that the U.S.
12 Navy had classified as "Confidential" to any person not entitled to
13 receive it; (b) to make unauthorized disclosure of proprietary,
14 internal U.S. Navy information; and (c) to use his position and
15 influence within the U.S. Navy to benefit GDMA and Francis.

16
17 COUNT 1 - CONSPIRACY TO COMMIT BRIBERY

18 THE CONSPIRACY

19
20 6. Beginning in or about February 2006, and continuing
21 until in or about September 2013, on the high seas and outside
22 the jurisdiction of any particular district, defendant U.S.
23 Navy Lieutenant Commander TODD DALE MALAKI, a public official,
24 GDMA, Francis, and others knowingly and unlawfully combined,
25 conspired and agreed to commit bribery, in violation of Title
26 18, United States Code, Sections 201(b)(2)(A) and (C).

OBJECT OF THE CONSPIRACY

1
2 7. It was the object of the conspiracy for MALAKI to
3 demand, receive, and accept things of value from GDMA's
4 officers and employees, including cash, entertainment expenses,
5 hotel expenses, and the services of a prostitute, and in return
6 MALAKI would provide GDMA with classified U.S. Navy ship
7 schedules and other proprietary, internal U.S. Navy
8 information, and, as opportunities arose, would use his
9 position and influence with the U.S. Navy to benefit GDMA.
10
11

METHODS AND MEANS OF THE CONSPIRACY

12
13 8. In furtherance of this conspiracy, and to accomplish its
14 unlawful object, the following methods and means were used, among
15 others:

16 a. GDMA's officers and employees would give, offer, and
17 promise things of value to or on behalf of MALAKI, including cash,
18 entertainment expenses, hotel expenses, and the services of a
19 prostitute.
20

21 b. MALAKI would demand, seek, receive, accept and agree
22 to receive and accept these things of value from GDMA's officers
23 and employees.

24 c. In return for these things of value, MALAKI would
25 provide GDMA with classified U.S. Navy ship schedules and
26 proprietary, internal U.S. Navy information, and would use his
27 position and influence with the U.S. Navy to benefit GDMA.
28

OVERT ACTS

1
2 8. In furtherance of the conspiracy and to effect its
3 unlawful object, the following overt acts, among others, were
4 committed:

5 a. On or about February 21, 2006, MALAKI sent Francis
6 two emails entitled "Test." Both emails attached invoices
7 from an Australian husbanding contractor detailing the amounts
8 charged by that contractor for ship husbanding services
9 provided to the U.S. Navy in Fiji and the Maldives. Invoices
10 from a competitor husbanding agent were proprietary, internal
11 U.S. Navy information.
12

13 b. On or about February 21, 2006, Francis replied to
14 MALAKI by email, commenting on how impressed he was at the
15 speed in which MALAKI provided the requested information, and
16 requesting that MALAKI provide two years' worth of invoices
17 for U.S. Navy husbanding contractors for several other ports.
18 Although such competitor husbanding agent invoices were
19 proprietary, internal U.S. Navy information, MALAKI obtained
20 and transmitted these invoices to Francis.
21

22 c. On or about March 9-12, 2006, GDMA paid for a deluxe
23 room for MALAKI at the Grand Hyatt, Singapore.
24

25 d. In or about March 2006, during a port visit to Port
26 Klang, Malaysia, MALAKI and Francis went to a karaoke club,
27 and Francis provided MALAKI with the services of a prostitute.
28

1 e. In or about June 2007, Francis sent MALAKI an email
2 stating, "I need a favor from you and need to talk with you
3 regards my favorite SSO [Ship Support Office]. I need some
4 dirty laundry o[n] them bad mouthing us on email. A smoking
5 gun." In this email, Francis was requesting proprietary,
6 internal U.S. Navy information on the SSO and its personnel in
7 Hong Kong. During the ensuing discussion, Francis and MALAKI
8 also corresponded about accommodations for MALAKI during the
9 USS John S. McCain's visit to Hong Kong.

10
11 f. In or about July 12-15, 2007, Francis provided
12 MALAKI with a hotel room at the Grand Hyatt, Wan Chai, Hong
13 Kong.

14 g. On or about July 15, 2008, MALAKI sent an email to a
15 GDMA official, copying Francis, requesting accommodations
16 during the period July 30, 2008 through August 8, 2008, on the
17 Island of Tonga, and stating, "I would like [a] room every day
18 we are in port, Todd."

19
20 h. On or about August 5, 2008, MALAKI forwarded Francis
21 a proprietary, internal U.S. Navy email chain regarding fuel
22 provided in Brisbane, Australia by a competing husbanding
23 agent.

24 i. On or about March 12, 2010, after MALAKI had
25 transitioned from the USS John S. McCain to FLC Singapore,
26 Francis emailed MALAKI, asking, "Do you have the updates?"
27 MALAKI replied, "I can get you anything you need."
28

1 j. On or about April 9, 2010, Francis gave MALAKI an
2 envelope containing approximately 2,000 Singapore dollars,
3 worth approximately \$1,500 USD.


4 k. During the 2010 Christmas season, MALAKI hand-
5 delivered to Francis classified U.S. Navy ship schedules, and
6 in return, Francis gave MALAKI an envelope containing
7 approximately 2,000 Singapore dollars, worth approximately
8 \$1,500 USD.
9

10 l. In 2011, on frequent occasions, including on or
11 about February 7, September 22, November 4 and November 7,
12 2011, MALAKI sent Francis classified ship schedules.
13 All in violation of Title 18, United States Code, Section 371.
14

15 DATED: April , 2015.

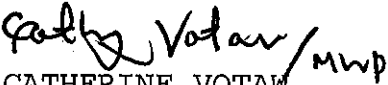
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